

REGULAR MEETING OF THE
OKLAHOMA WORKERS' COMPENSATION
COMMISSION

~ APPEALS ~

Friday October 19, 2018
9:00 a.m.
Commission Chambers
1915 N. Stiles Ave.
Oklahoma City, Oklahoma
www.wcc.ok.gov

MINUTES

Members present: Chairman Mark Liotta, Commissioner Jordan Russell and Commissioner Megan Tilly.

Staff present to support the Commission: Lindsey Christopher, Dana Esparza and Monica Pack.

STATEMENT OF OKLAHOMA OPEN MEETING LAW COMPLIANCE

Chairman Liotta stated the administrative meeting was being held in compliance with the Open Meetings Act.

CALL TO ORDERPresiding Appellate Officer, Chairman Liotta

Call to order 9:00 a.m. by Chairman Liotta, Presiding Appellate Officer.

ROLL CALLPresiding Appellate Officer, Chairman Liotta

After the roll call was taken, Chairman Liotta announced the presence of a Quorum.

A. MINUTES:

- The drafted Minutes of the Appeal Meeting of September 21, 2018, were considered for approval.

Chairman Liotta presented the minutes of the September 21, 2018, Meeting for approval.

Motion: Commissioner Russell made a motion to approve the minutes of the September 21, 2018 Meeting.

Second: Commissioner Tilly

Those Voting Aye: Chairman Liotta, Commissioner Russell and Commissioner Tilly.

B. Appeal Hearings before the Commission En Banc from Orders Issued by the Commission's Administrative Law Judges

Byron S. Clark v. Southwest Facility Support LLC & Travelers Indemnity Co of Connecticut File # CM2015-05916A

Respondent filed an appeal from the order issued by Administrative Law Judge McMillin. Brandon J. Burton represented the Claimant. Loretta Jones represented the Respondent.

Motion: After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Russell moved to affirm the Administrative Law Judge's order and authorized the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Commissioner Tilly

Those Voting Aye: Chairman Liotta, Commissioner Russell and Commissioner Tilly.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

Stephanie A. Garcia v. Orchids Paper Products Co. & Great AZmerican Alliance Insurance Co. , #CM2016-05284A

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. Bret Unterschuetz represented the Claimant and Patrick S. Parr represented the Respondent.

Motion: After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Russell moved to affirm the Administrative Law Judge's order and authorized the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Commissioner Tilly

Those Voting Aye: Chairman Liotta and Commissioner Russell and Commissioner Tilly.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

Thomas Williamson Hughes v. LDF Sales & Distributing Inc. & Charter Oak Fire Insurance Co., File #CM2017-04427F

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Micah Felton represented the Claimant and Bradley D. Avey represented the Respondent.

Motion: After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Tilly moved to take preliminary action to affirm the Administrative Law Judges Order and instructed Appellate Counsel or other staff member to draft a proposed order with findings of fact and conclusions of law for consideration at a future meeting.

Second: Commissioner Russell

Those Voting Aye: Chairman Liotta and Commissioner Russell and Commissioner Tilly.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

Matthew Penderson v. City of Tulsa (Own Risk #10435) File #CM2017-07906H

Claimant filed an appeal from the Order Awarding Permanent Partial Disability Benefits issued by Administrative Law Judge Egan on May 18, 2018. Darrel Paul represented the Claimant and Travis R. Colt represented the Respondent.

Motion: After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Tilly moved to take this case under advisement.

Second: Commissioner Russell

Those Voting Aye: Chairman Liotta and Commissioner Russell and Commissioner Tilly.

THE MOTION CARRIED: TAKEN UNDER ADVISEMENT

Matthew Penderson v. City of Tulsa (Own Risk #10435) File #CM2017-07906H

Claimant filed an appeal from the Miscellaneous Order issued by Administrative Law Judge Egan on July 13, 2018. Darrel Paul represented the Claimant and Travis R. Colt represented the Respondent.

Motion: After reviewing the record, hearing oral argument of counsel, considering Respondent's Motion to Dismiss Appeal and deliberating, Commissioner Russell moved to dismiss the appeal of the Miscellaneous Order entered on July 13, 2018.

Second: Commissioner Tilly

Those Voting Aye: Chairman Liotta and Commissioner Russell and Commissioner Tilly.

THE MOTION CARRIED: DISMISSED

C. Commission Consideration of Adoption of Final Order in the Following Cases:

Johnnie Mae Brown v. A New Haven Transportation (No Insurance), File #CM2016-02956A

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Pam Cornett represented the Claimant and Dana L. Gish represented the Respondent.

This case came on for Oral Argument on July 20, 2018. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement. A proposed order has been distributed to the Commissioners for consideration of adoption.

Motion: Commissioner Tilly moved to continue the matter for consideration at a future meeting.

Second: Commissioner Russell

Those Voting Aye: Chairman Liotta, Commissioner Russell and Commissioner Tilly.

THE MOTION CARRIED: CASE CONTINUED

Marcus McDonald v. Kelvion Inc. FKA GEA Heat Exchangers Inc. (OWN RISK #17805), File # CM2014-09940A

Respondent and Claimant both filed an appeal from the order issued by Administrative Law Judge Lawyer. Micah Felton is the attorney of record for the Claimant. Steven K. Bunting is the attorney of record for the Respondent.

This case came on for Oral Argument on September 21, 2018. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement. A proposed order has been distributed to the Commissioners for consideration of adoption.

Motion: Commissioner Tilly moved to continue the matter until the next meeting.

Second: Commissioner Russell

Those Voting Aye: Chairman Liotta, Commissioner Russell and Commissioner Tilly.

THE MOTION CARRIED: CASE CONTINUED

Camillo E. Alvarado v. AT&T Corp. & Old Republic Insurance Co., File #CM2015-02986H

Respondent filed an appeal from the order issued by Administrative Law Judge Lawyer. Alex Forbes is the attorney of record for the Claimant. Nichole S. Bryant is the attorney of record for the Respondent.

Parties filed a proposed Order Vacating Judge Lawyer's Order Determining Compensability and Remanding case to Judge Lawyer. The Commission will consider this order.

Motion: Commissioner Tilly moved to adopt the proposed order.

Second: Commissioner Russell

Those Voting Aye: Chairman Liotta and Commissioner Russell and Commissioner Tilly.

THE MOTION CARRIED: ORDER ADOPTED

D. Announcements

Commission's next regular business meeting is Thursday, November 15, 2018. Commission's next regular meeting regarding Appeals is scheduled for Friday, November 16, 2018.

ADJOURNMENT

Motion: Commissioner Tilly moved to adjourn the meeting at approximately 11:30 a.m.

Second: Commissioner Russell

Those Voting Aye: Chairman Liotta and Commissioner Russell and Commissioner Tilly.

THE MOTION CARRIED: THE MEETING WAS ADJOURNED.